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International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 23 November 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to attach for your attention two letters, dated 15 October 2009 and 6 November 2009, from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

In the letter of 15 October 2009 (annex I), President Byron requests that the International Tribunal be permitted to exceed temporarily the maximum number of ad litem judges allowed by article 11, paragraph 1, of the statute of the Tribunal.

In the letter of 6 November 2009 (annex II), President Byron requests that Judge Erik Møse be authorized to serve at the International Tribunal beyond the expiry of his term of office so that he may complete the Setako case. The term of office of Judge Møse will expire on 31 December 2009.

The Security Council, as the parent organ of the International Tribunal, and the General Assembly, as the organ that elects its judges, would have to decide on these requests.

I should be grateful if you would have the present letter and the attachments circulated as a document of the General Assembly, under agenda item 127.

(*Signed*) **BAN** Ki-moon

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Annex I

Letter dated 15 October 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

In resolution 1855 (2008), the Security Council authorized the appointment of additional ad litem judges to the International Criminal Tribunal for Rwanda, notwithstanding that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum number of nine provided for in article 11, paragraph 1, of the statute of the International Tribunal, to a maximum at 12 at any one time, returning to a maximum of nine by 31 December 2009.

Currently, 11 ad litem judges are serving at the Tribunal. All of them are serving on several ongoing cases which will not be completed before mid-to-end 2010 (see enclosure).

Therefore, it is necessary that the Security Council extend the authorization granted in resolution 1855 (2008) for a maximum of ad litem judges exceeding the statutory maximum number of nine until 31 December 2010, in line with the extension of the mandate of all judges until that date.

I would be grateful if you could bring this matter to the attention of the Security Council for appropriate action.

(*Signed*) Dennis **Byron**
President

Enclosure

Current assignments of ad litem judges and expected judgement delivery

Judge	*Cases*	*Expected judgement delivery*
Solomy Balungi Bossa (Uganda)	Nyiramasuhuko et al. (Butare) (6 accused)	Fourth quarter 2010
	Ngirabatware	End 2010
	Nzabonimana (presiding) (from November 2009)	End 2010
Lee Gacuiga Muthoga (Kenya)	Bizimungu et al. (4 accused)	Fourth quarter 2010
	Ntawukulilyayo	Third quarter 2010
	Gaiete (from October 2009)	End 2010
Florence Rita Arrey (Cameroon)	Nsengimana	Fourth quarter 2009
	Setako	Fourth quarter 2009
	Munyakazi (presiding)	Mid-2010
Emile Francis Short (Ghana) (part-time since August 2009)	Bizimungu et al. (4 accused)	September 2010
Taghrid Hikmet (Jordan)	Ndindilyimana et al. (Military II) (4 accused)	Fourth quarter 2010
	Hategekimana	Mid-2010
	Kanyamkiga (presiding)	Third quarter 2010
Seon Ki Park (Republic of Korea)	Ndindilyimana et al. (Military II) (4 accused)	Fourth quarter 2010
	Kanyarugika	Third quarter 2010
Gberdao Gustave Kam (Burkina Faso)	Karemera et al. (3 accused)	First half 2011
	Muvunyi (re-trial)	Fourth quarter 2009
	Bagaragaza (guilty plea)	November 2009
Vagn Joensen (Denmark)	Karemera et al. (3 accused)	First half 2011
	Muvunyi (re-trial)	Fourth quarter 2009
	Bagaragaza (guilty plea) (presiding)	November 2009
Joseph E. Chiondo Masanche (United Republic of Tanzania)	Hategekimana	Mid-2010
	Kanyarugika	Third quarter 2010
Richard Mparany M. Rajohnson (Madagascar)	Munyakazi	Mid-2010
	Ngirabatware (from September 2009)	End 2010
Aydin Sefa Akay (Turkey)	Munyakazi	Mid-2010
	Ntawukulilyayo	Third quarter 2010
	Gatete (from October 2009)	End 2010

Annex II

Letter dated 6 November 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to you concerning the need for an exceptional authorization by the Security Council to allow one permanent judge to complete his assignments after the end of his term of office.

Judge Erik Møse, one of our permanent judges, did not wish to have his term of office extended by resolution 1878 (2009), as he expected to complete his work by December 2009.

Due in particular to staffing constraints, it is now, however, likely that the work on his last case, *Setako*, in which he is the Presiding Judge, will not be completed before early 2010. It is the intention of the Bench to deliver judgement before the end of February 2010.

Therefore, I ask the Security Council to authorize that Judge Møse finish the Setako case which he has begun before expiry of his term of office. Similar situations have been addressed by the Security Council in resolutions 1241 (1999) and 1482 (2003).

I would be grateful if you could bring this matter to the attention of the Security Council.

Finally, I would like to inform you that Judge Sergei Egorov is also part of the Bench in *Setako*. He resigned in August 2009 but was authorized by resolution 1878 (2009) to complete the cases which he began before his resignation. It is therefore my view that no resolution is necessary in his case.

(*Signed*) Dennis **Byron**
President